

REMARKS**I. General**

Claims 11-15, 23, 27-32, and 34-40 are pending in the application. Claims 15, 23 and 34-40 are allowed, claims 11-14, 27, and 28 are rejected, and claims 29-32 are objected to.

The issues raised in the Office Action dated June 5, 2003 are:

- Claims 11-14, 27, and 28 are rejected. under 35 U.S.C. § 103(a) as being unpatentable over Taskett (WO 97/04579) (hereinafter *Taskett579*) and Taskett (WO 25237) (hereinafter *Taskett237*) in view of U.S. Patent No. 5,796,832 to Kawan (hereinafter *Kawan*) and U.S. Patent No. 5,590,038 to Pitroda (hereinafter *Pitroda*);
- Claims 15, 23, and 34-40 are allowed; and
- Claims 29-32 are objected to, and based on the Office Action mailed June 5, 2002, Applicant assumes claims 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

II. Rejections under §103(a)—Combination of *Taskett579*, *Taskett237*, *Kawan*, and *Pitroda*

The Examiner has rejected claims 11-14, 27, and 28 under 35 U.S.C. § 103(a) as being unpatentable over *Taskett579* and *Taskett237* in view of *Kawan* and further in view of *Pitroda*. Applicant traverses the rejection and asserts that the rejected claims are allowable at least for the reasons stated below.

To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), the cited prior art cited must teach or suggest all the claim limitations. M.P.E.P. § 2143. Applicant respectfully asserts that the cited references do not teach or suggest all the claim limitations, and, therefore, the claims are patentable under 35 U.S.C. § 103(a).

Independent Claim 11

Claim 11 requires:

sending a disbursement message to said banking network, wherein said disbursement message comprises information regarding the distribution of funds associated with said replenishment transactions.

Applicant submits that the proposed combination fails to teach this element of claim 11. The Examiner concedes that T237 fails to teach sending a disbursement message to a banking network where the disbursement message comprises information regarding the distribution of funds associated with replenishment transactions. (Office Action at 5). The Examiner cites *Pitroda* as teaching this element. The cited text mentions a method of using a universal electronic transaction (UET) card as a remote terminal for a “service institution” system. (*Pitroda*, Col. 7, lns 10-13). This method includes establishing electronic communication between a personal computer and the service system, transmitting identifying information for the user and the service institution account, verifying the identifying information, and communicating the account information between the UET card and the service information system. (Col. 7, lns 15-25). *Pitroda* does not teach or suggest sending a disbursement message that comprises information regarding the distribution of funds related to a replenishment transaction as required by claim 11. Therefore, the cited references fail to teach or suggest all of the elements of independent claim 11, and claim 11 is patentable under 35 U.S.C. §103(a).

Independent Claims 27 and 28:

Claim 27 requires:

a processor that receives network messages associated with a user-dialed replenishment code, wherein said network messages comprise wireless telephone identification information and personal identification number (PIN) information;...

said processor having means for identifying users by extracting said wireless telephone identification information and authenticating said PIN information...

The Examiner has not cited where these elements can be found in the combination of the *Taskett579*, *Taskett237*, *Kawan*, and *Pitroda* references. Applicant submits that the proposed combination does not teach or suggest these elements of claim 27.

Taskett237, *Taskett579*, *Kawan*, and *Pitroda* do not contain any teaching or suggestion of network messages comprising both wireless telephone identification information and personal identification number information, and there is no teaching or suggestion of a processor having a means for identifying users by extracting said wireless telephone identification information and authenticating said PIN information

Therefore, claim 27 is allowable under 35 U.S.C. § 103 over the proposed combination of the *Taskett237*, *Taskett579*, *Kawan*, and *Pitroda* references.

Claim 28 requires:

selecting, from a database, a prepaid account associated with said wireless device...

The Examiner has not shown where this element can be found in the cited references. Applicant submits that the proposed combination of *Taskett579*, *Taskett237*, *Kawan*, and *Pitroda* does not teach or suggest this element of claim 28.

Pitroda teaches the existence of security mechanisms that can be built into a UET card to avoid access to confidential information. *Pitroda* states that the authorization code is to be maintained in confidence like a PIN as used in connection with ATM cards. (*Pitroda*, Col. 13, lns 47-54). *Pitroda* also teaches that a service institution may identify a user through a PIN code or by other means such as caller identification of the user's phone number, and once the user has been identified, any required information, such as category of service institution, expiration date, or card number, is transmitted to the UET. (*Pitroda*, Col. 15, lns 48-57).

However, *Pitroda* does not teach a prepaid account associated with said wireless device processor that receives network messages associated with a user-dialed replenishment code, wherein said network messages comprise wireless telephone identification information and personal identification number (PIN) information (as required by claim 27), and it does not teach selecting, from a database, a prepaid account associated with said wireless device (as required by claim 28). Therefore, the cited references fail to teach or suggest all of the elements of independent claims 27 and 28. Applicant respectfully submits that claims 27 and 28 are patentable under 35 U.S.C. §103(a).

Dependent Claims 12-14 and 29-32

Claims 12-14 and 29-32 depend directly or indirectly from respective base claim 11 and thereby inherit all of the limitations of the base claim. Accordingly, without conceding that the Examiner's assertions are valid with respect to the limitations of the rejected dependent claims, it is respectfully submitted that the dependent claims are allowable based on their dependency from independent base claim 11 for at least the reasons discussed above.

Thus, Applicant respectfully submits that based on at least the arguments above, claims 12-14 and 29-32 are patentable under 35 U.S.C. §103(a).

III. Failure to Clearly Communicate Findings for Rejection

The Examiner states that the Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. (Office Action at 2). The new grounds of rejection, *Pitroda*, is specifically used by the Examiner to reject the element of previous claim 33 that was added to claim 11. The Examiner has failed to respond to Applicant's arguments with respect to claims 27 and 28, or to show where all of the elements of claims 27 and 28 can be found in the cited references. Applicant therefore requests that the Examiner specifically set forth the grounds for rejection with respect to claims 27 and 28 in order that Applicant may have a full and fair opportunity to explore the patentability of these claims.

IV. Summary

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

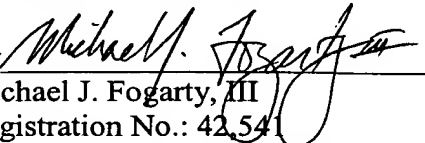
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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 51410/P013US/09900130 from which the undersigned is authorized to draw.

Dated: August 28, 2003

Respectfully submitted,

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